

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. 04-11539-JLT

FILED
CLERKS OFFICE

2007 JUN -5 P 1:50

U.S. DISTRICT COURT
DISTRICT OF MASS.

WALTER STICKLE, ANTHONY)
CALIENDO, JOHN PITINGOLO and)
DANIEL FISHER,)
Plaintiffs)
)
)
v.)
)
ARTHUR ORFANOS,)
Defendant)

**DEFENDANT'S MOTION TO STRIKE
PLATINIFFS' RESPONSE AND AMENDMENT TO PLAINTIFFS'
OPPOSITION TO DEFENDANT'S REQUEST FOR RECONSIDERATION ON
PAYMENT MODIFICATION**

NOW COMES the Defendant in the above-captioned matter and respectfully Moves this Honorable court to strike Plaintiff's response and amendment to Plaintiff's opposition to Defendant's request for reconsideration on payment modification. In support of this motion the Defendant respectfully states the following;

1. After discussing same with Plaintiff's Attorney Young B. Han on May 30, 2007, the Defendant respectfully reminds this Honorable Court that Plaintiff's motion seeking an order for contempt against the Defendant was DENIED on or about March 15, 2005 (please see attached as exhibit A).

2. Although the Plaintiffs' filed a correction to what they claim to be an error in their testimony, does not justify previous statements, ¶ 3 of the Plaintiffs' cross motion for contempt "[D]efendant has a history of disregarding judicial orders by this court", it

is apparent that the Plaintiffs' are intent in attempting to sway the Honorable court in it's decision without submitting factual evidence to support this false statement.

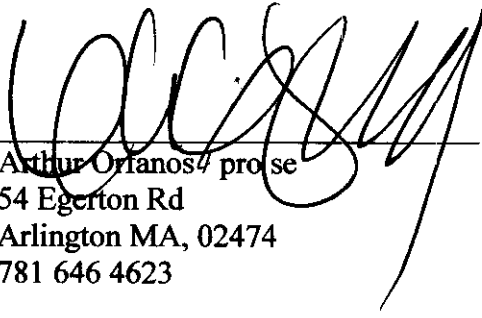
3. The Defendant respectfully requests that the Plaintiffs' amendment to their cross motion to hold the Defendant in contempt of court is stricken and request seeking an order for contempt and order precluding the Defendant from further filings and to impose penalty against the Defendant is DENIED.

WHEREFORE, the Defendant respectfully requests a prayer that this Honorable Court

1. Strike Plaintiff's response and amendment to Plaintiff's opposition to Defendant's request for reconsideration on payment modification and 2. Dismiss and Deny the Plaintiffs' cross motion to hold Defendant in contempt of court and renewed request for an order precluding further filings and imposition of penalty.

Dated May 31, 2007

respectfully submitted,
Arthur Orfanos / pro se



Arthur Orfanos / pro se
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Arlington MA, 02474
781 646 4623

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CASE NO. 04-11539-JLT

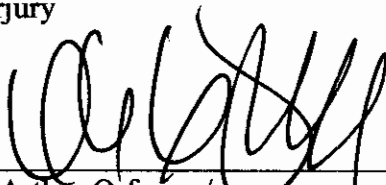
<u>WALTER STICKLE, ANTHONY</u>)
<u>CALIENDO, JOHN PITINGOLO and</u>)
<u>DANIEL FISHER,</u>)
<u>Plaintiffs</u>)
)
)
v.)
)
<u>ARTHUR ORFANOS,</u>)
<u>Defendant</u>)
)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the within Defendant's motion to strike Plaintiffs' response and amendment to Plaintiff's opposition to Defendant's request for reconsideration of payment modification, was this day served upon Plaintiffs by mailing same first class Postage prepaid to: Young B. Han, Attorney of Plaintiff, of Clark, Hunt and Embry, 55 Cambridge Parkway, Cambridge MA, 02141.

SIGNED under the pains and penalties of perjury

Dated May 31, 2007



Arthur Orfanos / pro se

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WALTER STICKLE, et al.,

Plaintiffs/
Defendants-in-
Counterclaim,

v.

Civil Action No. 04-11539-JLT

ARTHUR ORFANOS,

Defendant/
Plaintiff-in-
Counterclaim.

ORDER

March 15, 2005

TAURO, J.

This court hereby orders that:

1. Plaintiffs' Motion Seeking Order of Contempt [#19] is ALLOWED to the extent that Defendant shall remove his demand letter from his website, www.themood.us, as Defendant has indicated the letter was not intentionally placed on the website (Orfanos Aff. ¶¶ 13-14); and
2. Plaintiffs' Motion Seeking Order of Contempt [#19] is otherwise DENIED.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge